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14 INTTRA, INC.

15 UNITED STATES DISTRICT COURT
16
17 NORTHERN DISTRICT OF CALIFORNIA
18
19 OAKLAND DIVISION

20 GT NEXUS, INC., a Delaware corporation,

21 Plaintiff,

22 v.

23 INTTRA, INC., a Delaware corporation,

24 Defendant.

25 and

26 INTTRA, INC., a Delaware corporation,

27 Counter-Plaintiff,

28 v.

29 GT NEXUS, INC., a Delaware corporation,
30 CROWLEY MARITIME CORPORATION, a
31 Delaware corporation, CROWLEY LINER
32 SERVICES, INC., a Delaware corporation,
33 INDEPENDENT CONTAINER LINE, LTD., a
34 Bahamas corporation, SEABOARD MARINE,
35 LTD., INC., a Liberian corporation, SEA
36 STAR LINE, LLC, a Delaware corporation,
37 TURKON LINES AMERICA, INC., a Turkish
38 corporation, BACARDI-MARTINI
39 PRODUCTION, a French corporation,
40 Counter-Defendants.

Case No. 4:11-cv-02145-SBA

**DEFENDANT AND COUNTER-
PLAINTIFF INTTRA, INC.'S
OPPOSITION TO GT NEXUS, INC.'S
ADMINISTRATIVE MOTION FOR
LEAVE TO FILE SUR-REPLY**

Judge: Sandra B. Armstrong

1 GT Nexus, Inc.’s (“GT Nexus”) assertion that it is INTTRA Inc.’s (“INTTRA”) fault for
 2 needing a sur-reply is without basis. INTTRA’s Motion to Lift the Stay and Reopen Action
 3 (“Motion”) properly focused on the original stay, which was imposed pending the resolution of
 4 five *ex parte* reexamination proceedings. It was not INTTRA’s onus to fully address *new* grounds
 5 for a *new* stay that were only raised by GT Nexus in a brief telephonic meet and confer and that
 6 had no relevance to whether the original stay should be lifted. When GT Nexus presented
 7 completely new stay grounds in its Opposition, INTTRA was then left with no choice but to
 8 address those arguments in its Reply. Having chosen not to file its own motion seeking a second
 9 stay but rather presented those arguments for the first time in its Opposition brief, GT Nexus
 10 cannot be heard to complain that INTTRA’s Reply brief addressing those matters is
 11 inappropriate.

12 Even assuming it was INTTRA’s onus to address the new stay grounds in its opening
 13 papers, it is unreasonable to assume that INTTRA was in a position to fully address the issues
 14 after only a brief telephonic meet and confer. Moreover, at the time of that meet and confer and
 15 when INTTRA filed its Motion, GT Nexus had not filed any papers with the Patent Office
 16 requesting a covered business method (“CBM”) patent review. Thus, not only were the grounds
 17 for GT Nexus’ CBM petitions unknown to INTTRA, there was no certainty whether GT Nexus
 18 would proceed with the requests at all.

19 Finally, GT Nexus’ request for leave to file a sur-reply should be denied because, like GT
 20 Nexus’ Opposition, the proposed sur-reply fails to justify why a further stay is needed. In
 21 particular, GT Nexus’ primary argument—that the Patent Office has so far never denied a CBM
 22 petition for lack of standing—does not mean that the Patent Office will grant one for INTTRA’s
 23 patents. As INTTRA demonstrated in its Reply, the patents claim novel technological inventions
 24 that are squarely non-financial. GT Nexus’ proposed sur-reply tellingly fails to meaningfully
 25 address this analysis. Likewise, GT Nexus’ proposed sur-reply repeats almost identical
 26 arguments for why the Court should prolong this litigation pending the Supreme Court’s decision
 27 in *Alice Corp. v. CLS Bank Int’l*.

28 For the foregoing reasons, this Court should deny GT Nexus’ Administrative Motion for

1 Leave to File Sur-Reply in Support of Opposition to INTTRA's Motion to Lift Stay and Reopen
2 Action.

3
4
5 Dated: March 7, 2014

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

7 By /s/ Ahren C. Hsu-Hoffman

8 Daniel Johnson, Jr.

9 Michael J. Lyons

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11 Plaintiff, INTTRA, INC.